

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, APRIL 23, 2008 – 6:45 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
John Feener
William Febiger
Arthur Socolow

MEMBERS ABSENT

Ann Jo Jackson, Vice
Chair
Brandon Frontiero
Carol Gray, Recording
Clerk

STAFF PRESENT

Nancy Ryder, Conservation
Agent

Mr. Robert Gulla, Chairman opens the meeting of the Gloucester Conservation Commission.

CONTINUATIONS FOR SHORT REVIEWS, 1-5 MINUTES MAXIMUM, REVIEW OF AMENDED, UPDATED OR FINAL INFORMATION, STATUS REVIEWS, MINOR AMENDMENTS, SIGNING DECISIONS, CLOSURE OF HEARINGS, ETC.

336 ESSEX AVENUE (Map 220, lot 156).

This is a Request for Determination submitted by Dennis Tuck to construct a deck on sonotubes.

Mr. Gulla states that he will entertain a motion for a negative determination.

MOTION: Mr. Feener

SECOND: Mr. Febiger

A discussion was had re: neg.3/pos.2/pos.5.

VOTE: 4-0 all in favor

6 ROCKY NECK AVENUE (Map131, lot 22)

Notice of Intent, submitted by Patricia Conant to raze and re-build a dwelling in a coastal resource area.

The Agent notes that no DEP no. has been issued yet.

The applicant has requested a continuation to 05/07/08 at 7:05 PM

The GCC had no issues or questions remaining.

Mr. Gulla states he will entertain motion to continue to the above date and time, pending the DEP no. and any comments and/or minor changes on the plan such as the erosion control.

MOTION: Mr. Feener moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

19 WINGAERSHEEK ROAD

This is a Notice of Intent to address a violation, submitted by Michael Daily, to maintain a fence constructed in barrier beach coastal dune. (Map 257, lot 179). The Agent notes that a draft decision is ready and asks that the GCC please proofread the statement and conditions.

A rewording of a statement is to say "existing previously un-permitted fence shall be removed and replaced with a post and rail fence, no mesh or chicken wire allowed, with other conditions 50% and 2 feet off remain, no disturbance of dunes and to maintain 2 foot height off dune.

Mr. Gulla states he will entertain a motion.

MOTION: Mr. Febiger

SECOND: Mr. Feener VOTE: 4-0 all in favor

354 MAIN STREET (Map 51, lot 57)

This is a Request for Determination submitted by Hess Corporation to upgrade existing gasoline dispenser systems with associated excavation work in a buffer zone.

The Agent reviews with the GCC and states that Mike Hale, City Engineering, stated that he felt the dewatering treatment seemed appropriate based on his level of understanding of these projects. He also cautioned that this was not his area of expertise.

The Agent recommend that the GCC consider requiring an LSP be on site during the work if it is not already required by DEP, and a final report submitted to the GCC for review and approval which would include water quality monitoring reports. This would serve site control purposes as well as provide the commission with a better understanding of how effectively the proposed design functions for future reference and education purposes.

Mr. Gulla states that he will entertain a motion to approve as conditioned with the added condition that work occurs when water quality levels recede no earlier than June 1.

The Agent notes, Pat Corcoran in re: to water levels that need to be dewatered in June.

Mr. Gulla states he will entertain a motion to approve with conditions in decision and as noted by Bill no earlier than June 1 start, if tanks need replacement comes back as a Nol.

MOTION: Mr. Socolow moves to approve with above mentioned conditions.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

PUBLIC COMMENT

None/closed.

2 AND 2R DOANNE ROAD (Map 99, lot 9).

This is a Notice of Intent submitted by Theodore Cakounes, to raze existing dwelling and to construct a single family home with associated grading and utilities in riverfront.

Mr. Al Galla, reviewed responses as submitted in the narrative and plan. Trees to be removed, 6 – planting plan sheet C3 details larger scale of plantings on edge of riverfront area, 2:1 replication and additional shrubs, detention area with proposed plantings, roof leaders directed into detention area. Calculations for 25 year storm existing vs. proposed, will attenuate peak rates of runoff and will also provide water quality treatment. Blasting protocol submitted. Concrete bounds on lower portion of property to be maintained as the no-disturb zone. Also provided impervious area calculations; total net for project on plan C-2. and an Alternative analysis.

Mr. Socolow inquires as to where the no disturb area is noted on the plan and it was pointed out that it is listed. He asked if the trees to be removed were large and was told that they were 10 to 12 inches. He inquired as to the applicant being in the midst of the proposed construction and was told yes.

Mr. Gulla states that the net increase in impervious is not 2:1 storm water controls are not considered mitigation.

A discussion was had re: impervious within jurisdiction, vs. outside. Approx 100 sq ft additional impervious is calculated within jurisdiction.

2:1 mitigation is required by the Commission, (to be calculated and expressed directly) the majority of this is already accounted for with the shrub plantings.

Mr. Feener stated that the tree selection is good for this site and appropriate a lot of changes well.

Mr. Febiger noted that the construction details should be pulled out and put in narrative or on drawings prior to start of work with a pre-construction meeting. It was further noted that machinery is to be stored outside the jurisdictional area including buffer and a spill kit for hydraulic equipment is to be on site at all times the machinery is on site.

Mr. Febiger inquired as to the paper road and who owns it. He asked if it was buildable.

It was noted that it is within first 100 feet of RRA. A revises statement to note that full 100 foot vegetated area is not owned entirely by this landowner.

Mr. Gulla stated that eco pavers are to be used in the driveway parking area within jurisdictional areas, RRA and buffer.

Plaques stating conservation zone are to be installed on the cement bounds.

PUBLIC COMMENT: none/closed.

Mr. Feener, Mr. Febiger and Mr. Socolow discussed caliper of replacement trees with 1.5 to 2 inch caliper is about 6 feet tall.

Mr. Socolow wanted larger caliper trees,

Mr. Feener stated that smaller trees take better; larger trees about 3 inch caliper don't take as well.

With the owner present it was noted that if the larger tree does not have same survival rate GCC noted that 2 inch caliper attempt if one can be found.

Mr. Gulla states that he will entertain a motion to approve.

MOTION: Mr. Feener moves to approve

SECOND: Mr. Socolow VOTE: 4-0 all in favor.

15 MT. LOCUST PLACE (Map 140, lot 25)

James Davis requests a minor amendment to existing OoC for landscape grading including pavers and walls.

The Agent notes that a request for continuation made by the applicants representative today. She notes that the earliest continuation is May 21st. She further notes that the agenda is already half booked and two weeks of open submittal remain.

Mr. Gulla states that he will entertain a motion to continue the matter to 05/21/08 at 7:30 PM

MOTION: Mr. Feener

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

46-52 COMMERCIAL STREET (Map 1, lots 14 and 15)

This is a Notice of Intent submitted by Monte Rome, Intershell International Corp. to perform repairs and maintenance to an existing wharf and to install seasonal floats with bottom anchors in Gloucester harbor and Designated Port Area.

The Agent reviews with the GCC and states that a site visit was conducted with the harbormaster, shellfish constable and property owner.

Both harbormaster and shellfish constable submitted letters of support with recommended additional project scope similar in nature to what is already requested as the site is in need of maintenance and is in DPA.

Additional information was submitted by Bill M based on site visit discussion showing a more detailed wharf repair along the same lines as the initial submittal. DEP issued a number but still has the project under review on the website.

The GCC had a brief review and discussion and confirmed submitted details.

No concerns were noted.

PUBLIC COMMENT: none/closed.

Mr. Gulla states he will entertain a motion to approve.

MOTION: Mr. Febiger

SECOND: Mr. Feener VOTE: 4-0 all in favor.

18 MACOMBER ROAD (Map 188, lot 41)

This is a Notice of Intent submitted by Gus Demetri, to construct a garage on a foundation in a buffer zone.

Initial review notes were submitted to GCC for the 3/5 meeting.

Last review by the GCC was 3/19, GCC asked for the pool patio and fence in the wetland to be resolved prior to moving forward on action regarding the garage request.

Revised information was submitted by the applicant on 4/9 includes plan showing the fence and patio moved back onto the owners own property and out of the

wetland, plantings are shown and some asphalt removal is proposed to offset the additional garage footprint.

Construction sequence and photos also submitted.

Walter Vining, (owners also present but did not take part in discussion) described plan revision stamped in April 9, 2008, changes highlighted, pulled back out of wetland and onto lot, adjacent lot was city easement for drainage into wetland.

Plantings to be pulled onto the property can not require mitigation on others property. Can get permission from city but if city sells or works on, then plantings might be disturbed. Rob Walter, discussed for a bit with Mr. Febiger, pull them into area where pavement removed, rotate them on site or stagger them.

Mr. Socolow inquired as to the planting and was told it was to mitigate for increase in impervious covered by garage.

Mr. Febiger noted the proposed line within 4 feet of property line at closest point, and this was discussed with Mr. Vining with the final area drawn in and signed.

Mary Lou Demetri – states that when this was bought there was no water on the lot next to us. Please refer to audio. When the pool was put in there was no water next to it (please refer to BI plan around the same time with wetland in it). Mr. Feener was there before the building and caught frogs in the pond where the house is now. Mary Lou notes that the city was given an easement for drainage in 1980's. Water was not there when the pool went in.

Mr. Gulla states that water does not define a wetland; soils and vegetation determine wetland water and is a visible indicator but not necessarily there year round.

Mary Lou states that when pool went in, thought we did everything right.

Mr. Gulla and Mary Lou discussed this at length.

Mr. Gulla states that he is trying to make sure that things are done now to protect the wetland as it exists presently. He notes that previously there was circumventing of the permitting process and questions: That is not any ones fault here??? Please refer to tape or audio.

Mr. Gulla notes: Would the GCC have done anything differently if the pool and patio were put in under permitting.

Mary Lou states that if she knew water was going to be there they would have put pool on other side of property.

Mr. Gulla states that he doesn't know if we would have permitted differently other than additional plantings or buffer to additionally protect the wetland.

Mary Lou states that moving shed further allows for additional plantings.

Mr. Gulla states that he doesn't know what the GCC would have asked for, but if we could do a bit more to keep the GCC on even keel to not allow violation to go unresolved and to allow the project to be permitted moving forward. The change in planting area and additional plantings on plan was noted.

Total of 14 plantings: blueberry, sweet pepper bush, witch hazel.

Mr. Febiger notes re: the plantings being 5 feet or more from garage to keep them in the sun.

Mr. Gulla that the intent is in obtaining a buffer strip between wetland and lawn/use area.

If the pool is empty: All standard (boilerplate conditions) pool closure conditions apply, no treatment for 2- 4 weeks prior to draining to let chemicals dissipate prior to drainage. Drain into an upland area.

There was a discussion re: long term management conditions or plans.

Mr. Gulla may want to put together a management plan and file it within this file as an amendment. Holds with the property in perpetuity so new permitting is not required every time they want to work.

It was noted that the GCC allows a maintenance submittal amendment under this filing w/ no additional fees. The submittal must be in writing and reviewed and approved by GCC.

Mr. Gulla states he will entertain a motion to approve the project with noted conditions above such as relocated the shrubs etc.

MOTION: Mr. Socolow

SECOND: Mr. Febiger VOTE: 4-0 all in favor.

2 BEACHLAND ROAD (Map 178, lot 51)

This is a Notice of Intent filed by Charles Pratt Jr., to remove fill in wetland and to restore wetland buffer zone.

The Agent notes that a request for continuation was made by the applicant's representative yesterday. The earliest continuation date is May 21st.

Mr. Gulla states he will entertain a motion to continue the matter to 05/21/08 at 9:00 PM

MOTION: Mr. Febiger

SECOND: Mr. Feener VOTE: 4-0 all in favor

161 THATCHER ROAD (Map 178, lot 60).

This is a Notice of Intent filed by Charles Pratt Jr., to construct a single family home with associated grading and utilities in a buffer zone to a marsh.

The Agent notes that there has been a request for continuation made by applicant's representative yesterday. The earliest continuation is May 21st.

Mr. Gulla states that he will entertain a motion to continue the matter to 05/21/08 at 9:00 PM.

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Feener VOTE: 4-0 all in favor.

249 EAST MAIN STREET

J. Montagnino Jr. for after that fact work relating to sea wall and floats.

The Agent reviews with the GCC and states the following:

It was noted that the applicant is not expected to attend.

This is a request for a letter permit for existing float system to remain.

The violation issue related to no permits for the installation of the pilings or the original float system (which predates this applicant's ownership of the land). The Letter Permit to allow floats that do not ground to remain is one possibility if the applicant can show they predate the regulations with an Nol or RDA required for the pilings. These are more questions that need to be answered.

There are many properties with similar circumstances.

The Agent notes that the applicant is working with the city.

The GCC will allow 2 new floats and fence to remain and permitted under the Letter Permit.

The fence is permanently permitted, but the entire previously existing float system including pilings and grounding floats must be properly documented and a Nol submitted to permit the previous system under WPA and GWO to bring it into compliance with regulations and design criteria. Submittal of the Nol must be made within 2 years.

Seasonal removal of floats is to occur in an upland area; storage of floats off season should not be on the salt marsh.

PUBLIC COMMENT: none/closed

Mr. Gulla states he will entertain a motion to approve the Letter Permit with the aforementioned conditions noted above and read aloud. A due date for additional information was to be entered as well.

MOTION: Mr. Feener

SECOND: Mr. Febiger VOTE: 4-0 all in favor

AGENT'S REPORT ON VIOLATIONS

TALLY'S TWO - WASHINGTON STREET

The Agent reviews with the GCC stating that another letter is to be sent. Trucks are to be washed offsite with non-toxic soaps and in yard over protective storm drains with treatment. Information is being compiled and the storm water system is being updated, but has not been done yet. Cc engineering.

COMMISSION BUSINESS

Requests for Letter Permits

National Grid, Harbor Loop - Request for minor amendment to allow additional borings for design purposes in the same area as previously permitted following the same protocol and guidelines. Borings are allowed as an exemption for project design purposes under the WPA.

Mr. Gulla states he will entertain a motion to approve.

MOTION: Mr. Socolow moves to approve.

SECOND: Mr. Feener VOTE: 4-0

(per LP explanation and grid along with 75 additional borings)

The results and data are to be brought to GCC for pre-planning meeting and info.

The GCC would like information regarding long term planning and inquires as to whether this is remediation or project planning. The GCC would like more information regarding the intent and purpose.

10 DULEY STREET

The fence replacement is in the same location w/ in 30 feet of intermittent stream leading to Lanes Cove Landing. Site visited and reviewed by Leslie Nitkiewicz, no issues, work proposed is replacement of what exists and is deteriorated; site visit notes are available if needed. The GCC recommends that a long term maintenance plan be submitted for the life of the property re: similar maintenance issues.

Mr. Gulla states he will entertain a motion to approve.

MOTION: Mr. Socolow moves to approve.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

Along with the Agent the GCC discussed boiler plate conditions that allow projects under a LP. (more than that requires RDA. This is a reduced RDA and is intended to provide more reasonable permit for small projects. Amend no disturbance of soils to include except incidental soils disturbance such as hand augering a sonotube hole.

41 WHITTEMORE

The Agent reviews with the GCC noting soils testing for project design purposes, considered an exemption under the WPA. Project is currently before the GCC, this gives further needed info. A request for information regarding procedure moving forward to allow soils work while holding the remainder of the project for MEPA review is planned.

It was noted that the GCC is open to hearing information on work for a partial OoC for soils work as long as app understands that there is no guarantee of approval for the second phase with construction later on. The applicant needs to come before the GCC next for soils review bringing with him detailed info re: what exactly will happen now.

Mr. Gulla states he will entertain a motion to approve.

MOTION: Mr. Feener moves to approve soil testing per application.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

84 HIGH STREET

This is a request to replace existing wood walkway with stone.

The Agent reviews with the GCC stating that photos and request available for review. The Agent recommends that the GCC consider the amount of grading or soils disturbance that may take place for stonework.

LP standard conditions require no machinery, work by hand and no disturbance of soils or vegetation.

Mr. Gulla requests details of how work is to be performed. If to be layed on top by hand without stone dust fine, but if major excavation is to be done then an

Nol. GCC recommends that for any installation other than hand placing stone (detailed plan and construction detail and narrative required Part of deck overhangs quarry and can not be filled to place stone over. Clearer explanation needed re details and scope. No for now until more info in may be yes, if minor may be no if too much disturbance. Tabled to 5/7 or more info submitted.

MOTION: Mr. Feener moves to table this to the above date for further information.

SECOND: Mr. Socolow

VOTE: 4-0 all in favor

15 HORTON STREET – request to replace stone stairway with raised wooden walkway, photos and request available for review. GCC just finished multiple project review for this site.

It was noted that details have to be put on the plan from John Judd accurately and to scale on existing plan, if minimal ok, if not no, it would need an amendment to an Order of Condition. The stone remain, build over.

Mr. Gulla entertains a motion

MOTION: Mr. Febiger

SECOND: Mr. Socolow

VOTE: 4-0 all in favor

90 DENNISON STREET – request to construct decks in buffer, in lawn to pond/BVW and some tree planting/replanting and yard work in the buffer. Site photos, plan and narrative available for review

The Agent reviews with the GCC and notes: Slats spacing, maintain a no disturb zone and all natural products or MSDS sheets for composites showing no leaching of contaminants.

Mr. Gulla states he will entertain a motion to approve with above conditions.

MOTION: Mr. Feener

SECOND: Mr. Socolow

VOTE: 4-0 all in favor

75 ESSEX AVE, Cape Ann Marina –

The Agent reviews with the GCC noting a request for float reconfiguration. Additional Nol or RDA will be coming in for center portion of reconfigured floats due to the need for installation of 3 pilings. LP request is for exterior floats only along the existing pilings. A site visit was conducted with Harbormaster and Shellfish constable, numerous concerns arose which have been addressed in a subsequent amendment to the request.

The Agent notes that this is OK as proposed, with spill response kit on barge at all times, removal of fuel system and lines to be drained and oversight by fire dept.

There is a question re: the tank associated with the fuel pump to be removed or remain in place??? Details are needed. If excavation is needed then they bring it in with Nol

Either way a submission of additional details prior to conducting work on site is needed.

Mr. Gulla entertains a motion.

MOTION: Mr. Socolow

SECOND: Mr. Feener VOTE: 4-0 all in favor.

Requests for Certificates of Compliance

Requests for Extension Permits

91 RIVERVIEW ROAD- extension permit draft ready if needed

Mr. Gulla states he will entertain a motion to approve.

MOTION: Mr. Feener moves to approve the extension.

SECOND: Mr. Socolow

VOTE: 4-0 all in favor.

Correspondence and Other Commission Business as time permits

VILLAGE AT WEST GLOUCESTER CR discussion Not to be held by a private land trust, city has no money or staff to hold, have Greenbelt or other hold. Can not hold without CC approval. May be willing to hold for no more than one year, 6 months preferable but renewal required, with a deadline to fix in order to meet PB permit. The Legal Dept will have to be consulted on this.

Gloucester Crossing, Sam Parks Development update and information review, appointment of monitor and bond posting. The GCC is ok with the start with bond details in 5/7 and approve Wetlands Land Management as site monitor for project.

MOTION: Mr. Febiger

SECOND: Mr. Feener VOTE: 4-0 all in favor.

Request for Vernal Pool TOY construction zone prohibition – Discussed.

Update on GWO revisions – meeting is tomorrow at 4 - Discussed.

70 Holly Street update- Discussed.

Chapter 91 applications for 17 HORTON STREET - East Gloucester Marine – Discussed

Request for information re view shed cutting on the **COVINGTON CR in Coles Island on** Trustees Land. Cutting is identified in the CR in ACEC upland edge and buffer, but no Conservation permit was ever obtained that I am aware of.

Information is needed to provide information where and how these view sheds were approved by GCC, otherwise an Nol is required for tree cutting to that level in jurisdictional areas. Mr. Febiger recalls view sheds being approved. Art recalls they were discussed but not necessarily approved.

Additional information noted for the GCC:

Information on toxics Ban
MACC spring newsletter
Information on appeals status relating to Keystone Road, 27 Kondelin Road, 25 Wingaersheek Road,
CZM request for responses for coastal land conservation program
DEP information regarding coastal fences and walkways, program information can be copied on request.
Updates on projects at 1206 Washington, The Woodlands, Babson and Poplar Park Bridge,
Additional De Moulas information from NEE was sent to you via email; please let me know if you did not receive it.
Update on the sewer management planning process
Notice of failing septic system at 109 Western Ave, GCC has several outstanding enforcement issues on that site that will be before you on 5//7.

Mr. Gulla states he will entertain a motion to adjourn.

MOTION: Mr. Feener

SECOND: Mr. Socolow

VOTE: 4-0 all in favor Meeting adjourned.

Respectfully submitted,

Carol A. Gray
Recording Clerk